

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

MEMORANDUM AND ORDER

Michael Falu,

19 Cr. 937 (NRB)

Defendant.

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NAOMI REICE BUCHWALD

UNITED STATES DISTRICT JUDGE

Without referencing any particular health-related facts and thus primarily relying on the now standard application for temporary release, counsel for Michael Falu ("Falu") seeks bail for a second time. The current indictment is based on the results of a search, pursuant to a warrant, conducted after a probation officer observed evidence of possible drug dealing during a routine home visit. Following the execution of the search warrant, Falu was charged with possession with intent to distribute mixtures containing cocaine base and methamphetamine and with being a felon in possession of ammunition (fifteen bullets having been found in his room). Falu, who is now 32, first came to the attention of the criminal justice system at age 17. According to the Pretrial Services report, he has four adult convictions including an earlier federal conviction for distribution of oxycodone for which he received a four-year sentence, and most recently he pled guilty to a charge of escape from a re-entry center which followed his incarceration on the oxycodone conviction. He also has been

charged with violating his conditions of supervised release as a consequence of the home visit described above. In addition, the Court counts the issuance of six bench warrants in the pretrial report.

Given this defendant's history of repeated criminal conduct, defiance of court orders, and disregard for the conditions of release, he cannot meet the burden of establishing by clear and convincing evidence that he will neither flee nor pose a danger to any other person or the community. Fed. R. Cr. P. 32.1 (a)(6). Nor has the defendant made a showing that he is entitled to temporary release given the absence of any medical condition specific to this defendant.

This application has been resolved on the basis of the lengthy written submissions given the Court's familiarity with this defendant (having previously denied a bail application) and given the extremely limited access to in-court proceedings.

SO ORDERED.

Dated: New York, New York
March 30, 2020

A handwritten signature in blue ink, reading "Naomi Reice Buchwald", is written over a horizontal line.

NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE